

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

March 8, 2010

- C059882 THE PEOPLE v. (Not For Publication)**
JAMES PAUL CROSS et al.
The sentence for the section 186.22, subdivision (b) enhancement to count three is vacated. The trial court is directed to order an updated probation report, and to impose a term of two, three, or four years for the section 186.22, subdivision (b) (1) (A) enhancement to count three. In all other respects the judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C058988 THE PEOPLE v. (Not For Publication)**
PARDEEP SINGH et al.
The judgments are affirmed.
BUTZ, J.
We Concur: Blease, Acting P.J.
Hull, J.
- C059642 THE PEOPLE v. (Not For Publication)**
GUSTAVO GONZALES TAFOLLA
The judgment is reversed and the matter remanded for the court to conduct a postconviction *Marsden* hearing. If the court grants the *Marsden* motion, a new trial motion is filed, and the new trial motion is granted, defendant shall receive a new trial. If the court denies the *Marsden* motion, or a new trial motion is not filed, or a new trial motion is filed and denied, the court shall reinstate the judgment of conviction and sentence previously imposed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C060649 THE PEOPLE v. (Not For Publication)**
BROOKS RAYMOND WAMPLER
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
Nicholson, J.
- C061159 THE PEOPLE v. JESSIE BLAYLOCK (Not For Publication)**
The judgment is reversed. The cause is remanded to the trial court for further proceedings consistent with this opinion.
BUTZ, J.
We Concur: Blease, Acting P.J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

March 8, 2010, Continued

- C061893 THE PEOPLE v. JAVIER PACHECO (Not For Publication)**
The judgment is affirmed. The trial court is directed to correct the sentencing minute orders and the abstract of judgment by deleting the \$491.25 drug program fee. The court shall forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.
HULL, J.
We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.
- C061968 THE PEOPLE v. (Not For Publication)**
ALBERTO AVILA SANCHEZ
The judgment (order) is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
 Sims, J.
- C058523 BERTLOW et al. v. (Not For Publication)**
ARNAIZ DEVELOPMENT COMPANY, INC.,
et al.
The order denying Arnaiz's motion to compel arbitration and stay court action is affirmed. Plaintiffs are awarded their costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1), (2) .)
BUTZ, J.
We Concur: Nicholson, Acting P.J.
 Hull, J.
- C059375 PEOPLE ex rel. JEFF W. REISIG, as (Certified For Publication)**
District Attorney, etc. v. ACUNA et al.
The order granting a preliminary injunction is reversed insofar as it requires compliance with the controlled substances provision, paragraph (1) (e); and the alcohol provision, paragraph (1) (f). Nothing in this opinion is intended to suggest that plaintiff may not move the trial court to amend as appropriate paragraphs (1) (e) or (1) (f) of the preliminary injunction. In all other respects, the order is affirmed. The parties shall bear their own costs on appeal.
HULL, J.
We Concur: Scotland, P.J.
 Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

March 8, 2010, Continued

- C061160 FRANCIS v. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION et al. (Not For Publication)**
The judgment in favor of defendants Gamberg, Weeks and Dangler is reversed. ...
 BUTZ, J.
I concur: Raye, J.
I concur in the judgment and in the opinion except as to part I.C. of the Discussion, as to which I concur in the result:
 Blease, Acting P.J.
- C059041 In re A.C.; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v. VINCENT B. (Not For Publication)**
The judgment is affirmed.
 RAYE, J.
We Concur: Blease, Acting P.J.
 Robie, J.
- C058320 THE PEOPLE v. CHRISTOPHER SHAWN WHISENANT et al.**
BY THE COURT:
Appellant Bush's petition for rehearing is denied.
 BLEASE, Acting P.J.

March 9, 2010

- C062860 THE PEOPLE v. BOBBY JOE BROWN, JR. (Not For Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We Concur: Sims, J.
 Robie, J.
- C060066 EVANS v. UMINA et al. (Not For Publication)**
The order denying the special motion to strike is affirmed. Evans shall recover his costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1) .)
 ROBIE, J.
We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

March 9, 2010, Continued

- C061097** **In re the Marriage of JAYRAJ and** **(Not For Publication)**
C062004 **BINDU NAIR; NAIR v. NAIR**
- On December 11, 2008, order is reversed insofar as it denies appellant Jayraj Nair's request for reimbursement of Bindu Nair's share of expenses incurred for Suraj's education related activities. The order of December 11, 2008, is otherwise affirmed. The Domestic Violence Prevention Act restraining order granted on March 13, 2009, and filed on March 25, 2009 is reversed. The parties shall bear their own costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (5) .)
SIMS, Acting P.J.
We Concur: Raye, J.
Hull, J.
- C061526** **In re B.M.; THE PEOPLE v. B.M.** **(Not For Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C058563** **Conservatorship of the Person and Estate of D.N.; ANN EDWARDS –**
BUCKLEY, as Public Guardian, etc. v. D.N.; L.H.
BY THE COURT:
Appellant's petition for rehearing is denied.
ROBIE, Acting P.J.
- C058954** **THE PEOPLE v. LUIS PACHECO**
C059074 **THE PEOPLE v. JORGE LOPEZ**
BY THE COURT:
Appellant Pacheco's petition for rehearing is denied.
RAYE, Acting P.J.
- C059098** **ABDELHAMID v. FIRE INSURANCE** **(Certified For Publication)**
EXCHANGE
THE COURT:
The opinion in the above-entitled matter filed on February 22, 2010, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.
BY THE COURT
HULL, Acting P.J.
Robie, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

March 10, 2010

C056951 THE PEOPLE v. (Not For Publication)
LACY LEE MILLER, JR., et al.

The judgment against Miller is affirmed in its entirety. The judgment against Jefferson is modified to strike the one-year enhancement imposed pursuant to the section 12022, subdivision (a)(1) on count VIII (assault with a deadly weapon or by means of force likely to cause great bodily injury). The judgment against Williams is modified to impose a consecutive three-year term on count VIII and a consecutive eight months on count V (false imprisonment by violence), and to strike the one-year enhancement imposed pursuant to the section 12022, subdivision (a)(1) on count VIII. As modified, the judgments against Jefferson and Williams are affirmed. We direct the trial court to prepare amended abstracts of judgment as to Jefferson and Williams and to forward copies of the amended abstracts to the Department of Corrections and Rehabilitation.

BLEASE, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.

C062943 THE PEOPLE v. (Not For Publication)
SCOTT BRIAN VICK

The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Raye, J.

March 11, 2010

C060590 THE PEOPLE v. (Not For Publication)
SAMSON OC FRAZIER

The judgment is affirmed.
ROBIE, J.
We Concur: Hull, Acting P.J.
Butz, J.

C060982 THE PEOPLE v. (Not For Publication)
RAYMOND ANTHONY HILL

The judgment is affirmed.
HULL, Acting P.J.
We Concur: Robie, J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

March 11, 2010, Continued

- C061279 THE PEOPLE v. ABDUL K. GRIFFIN (Not For Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C062646 THE PEOPLE v. DONALD WHITMAN (Not For Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C059103 In re D.S.; THE PEOPLE v. D.S. (Not For Publication)**
The judgment (disposition order) is modified by awarding the minor 400 days of predisposition credit and by striking all probation conditions except the victim restitution orders and restitution fines. As so modified, the judgment is affirmed. The juvenile court is directed to amend its disposition order to conform to our modification and to forward a certified copy to the DJF.
BUTZ, J.
We Concur: Blease, Acting P.J.
Raye, J.
- C062621 In re E.H. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. H.B. BY THE COURT:**
Respondent's request to publish the opinion filed on March 3, 2010, is denied.
NICHOLSON, Acting P.J.

March 12, 2010

- C062222 THE PEOPLE v. STORM STEVEN BOYLE (Not For Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

Court Minutes

March 12, 2010, Continued

C060680 YAQUB v. MEDICAL BOARD OF (Not For Publication)
CALIFORNIA

The judgment is affirmed. The Board shall recover costs on appeal.

RAYE, J.

We Concur: Nicholson, Acting P.J.

Hull, J.

C061128 In re R.C.; THE PEOPLE v. R.C. (Not For Publication)

The court's order that the minor be tested for AIDS is stricken. In all other respects judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Raye, J.